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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

	)	No. CR 14-316 VC
)	
UNITED STATES OF AMERICA,)	
	)	DECLARATION OF ELIZABETH FALK
Plaintiff,	)	IN SUPPORT OF DEFENDANT'S
	)	MOTION TO DISMISS COUNT SIX OF
v.	)	THE THIRD SUPERCEDING
	)	INDICTMENT/MOTION FOR
	)	JUDGMENT OF ACQUITTAL ON
	)	COUNT SIX
)	
RYAN CHAMBERLAIN,	)	Date: February 7, 2016
	)	Time: 10:30 a.m.
Defendant.	)	Court: The Honorable Vince Chhabria

I, Elizabeth M. Falk, declare as follows under penalty of perjury:

1. I am the attorney for the defendant in the above-captioned case;
2. I write to submit documents in support of Defendant's Motion to Dismiss Count Six of the Third Superceding Indictment
3. Attached hereto as Exhibit A is a report I received in discovery from the government regarding the alleged volume of sodium cyanide seized from Mr.

Chamberlain's apartment on May 31, 2014, No. RKC 10493-10494'

4. Attached hereto as Exhibit B is a photograph – RKC 2414 – of the alleged mixture or substance containing the sodium cyanide referenced in Exhibit A. I received this photograph from the government in discovery. It is my understanding from conversations with law enforcement that the glass jar and plastic test tube depicted in this photograph are FBI collection/laboratory equipment, and are not the original container of these contents. It is my further understanding that the mixture or substance depicted in Exhibit B was originally located in a plastic bag;
5. Attached hereto as Exhibit C is a photograph of the alleged brown liquid contents of the bottle seized from Mr. Chamberlain's apartment on May 31, 2014 – RKC 2419. See Exhibit D, below. I received this photograph from the government in discovery;
6. Attached hereto as Exhibit D is a photograph of the IChill bottle depicted in RKC 2419. This photograph is labeled RKC-2440. I received this photograph from the government in discovery;
7. Attached hereto as Exhibit E is a report I received in discovery generated by Dr. Jason Brewer, labeled RKC 11250-11259. At 11257, Dr. Brewer reports the detected of cyanide in the liquid described above in Exhibit C;
8. Attached hereto as Exhibit F is a document I printed off the Internet at <http://www.opcw.org/chemical-weapons-convention/genesis-and-historical-development/>;
9. Attached hereto as Exhibit G is a full text of the 1993 Convention on the Prohibition of the Development, Production, Stockpiling, and Use of Chemical Weapons and on Their Destruction (the "Chemical Weapons Convention" or

“CWC”), available for download at <http://www.opcw.org/chemical-weapons-convention/>);

10. Attached hereto as Exhibit H is a copy of the Brief for Petitioner, *Bond v. United States*, No. 12-158 (May 8, 2013);
11. Attached hereto as Exhibit I are documents from *United States v. Krar*, Case No. 6:03CR36(1)(E. D. Tex 2003)(including Docket 1, Complaint; Docket 13, Detention Order; Docket 109, Government Sentencing Memorandum; Docket 116, Order on Sentencing Objections; Docket 136, Sentencing Hearing Transcript. I obtained these documents from the Clerk of Court in the Eastern District of Texas, as this case is not available on PACER, to provide the Court with more context about the types of federal prosecutions that the Supreme Court cited affirmatively in *Bond*.
12. Attached hereto as Exhibit J are documents from *United States v. Detrixhe*, Case No 2:08-CR-42-J-BB (N.D. Tex. 2008)(including Docket 1, Criminal Complaint and Docket 39, Factual Basis for Plea Agreement;
13. Attached hereto as Exhibit K are documents from *United States v. Konopka*, Case No 02-CR-224 (N.D. Ill. 2002)(including Docket 1, Criminal Complaint and Docket 20, Plea Agreement;
14. Attached hereto as Exhibit L is a copy of the Brief for Respondent United States, *Bond v. United States*, No. 12-158 (May 8, 2013);
15. Attached hereto as Exhibit M is a copy of the Annex on Chemicals, and Schedule 1,2 and 3, printed from <http://www.opcw.org/chemical-weapons-convention/annexes/annex-on-chemicals/schedules/>

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2 16. Attached hereto as Exhibit N is a copy of the Reply Brief for Petitioner, *Bond v.*
3 *United States*, No. 12-158 (May 8, 2013).
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5 Signed and dated on the 19th of January, 2016.

6 _____/S/_____
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8 ELIZABETH M. FALK
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